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MASTER OF MILITARY STUDIES

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**TITLE:**

**The Marine Corps Role in Supporting Domestic Operations: The Case for Expanding  
Marine Corps Involvement Civil Support Operations**

SUBMITTED IN PARTIAL FULFILLMENT  
OF THE REQUIREMENTS FOR THE DEGREE OF  
MASTER OF MILITARY STUDIES

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## Executive Summary

**Title:** The Marine Corps' Role in Supporting Domestic Operations: The Case for Expanding Marine Corps Involvement in Civil Support Operations

**Author:** Major Edward Amdahl, United States Marine Corps

**Thesis:** The Marine Corps should increase its level of support to civil authorities and emergency response agencies in order to take advantage of efficiencies in training, funding, and interagency integration.

**Discussion:** The responsibility of securing America's borders and responding to disasters (both natural and man-made) is a task of ever increasing complexity and importance. The past decade presented two watershed events which shook the nation's security and emergency response apparatus: the terrorist attacks of September 11, 2001 and Hurricane Katrina. The aftermath of these events has resulted in a period of sweeping change to the government agencies and policies responsible for homeland defense. As the government response has evolved immensely in the years since these events, so too has the nature of the threats to American security and way of life. The strengthening ties between transnational criminal and terrorist organizations, the growing risk of cyber attacks, hostile non-state actors attempting to acquire weapons of mass destruction, and the economic recession within the United States are all key elements which frame today's national security challenges. The establishment of new government organizational hierarchies and reprioritization of missions for existing agencies have been at the forefront of the federal government's efforts to address these new challenges. However, the complexity and the combination of these challenges present a risk potentially beyond the scope or capabilities of the law enforcement community. Upon reviewing the various mission types and capabilities required by the interagency partners and civil authorities, it is clear that the Marine Corps maintains the capability to source significant assets which can be allocated to satisfy domestic homeland security requirements. The Marine Corps, working through USNORTHCOM, can look at the gaps in the interagency/civil capabilities as an opportunity to exercise and improve its warfighting capability across a variety of skill areas. With an expanded role in supporting domestic operations, the Marine Corps will not only be helping to provide for the nation's Homeland Defense, it will be optimizing its training opportunities, developing a stronger interagency relationship at the operational and tactical levels, improving TTPs and equipment, as well as leveraging external funding sources to improve readiness.

**Conclusion:** Within the confines of constitutional law, federal regulations, and the Marine Corps' traditional defense obligations, there are many advantages to leveraging the opportunities presented by increasing support to civil authorities.

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THE OPINIONS AND CONCLUSIONS EXPRESSED HEREIN ARE THOSE OF THE INDIVIDUAL STUDENT AUTHOR AND DO NOT NECESSARILY REPRESENT THE VIEWS OF EITHER THE MARINE CORPS COMMAND AND STAFF COLLEGE OR ANY OTHER GOVERNMENTAL AGENCY. REFERENCES TO THIS STUDY SHOULD INCLUDE THE FOREGOING STATEMENT.

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### ***Preface***

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I appreciate the assistance from the Marine Corps mission planners as well as joint staff members at JTF-North for exposing me to the opportunities available to Marine units as well as helping me navigate the legal and organizational hurdles involved in the DSCA process. The experience gained from providing past support to civil authorities has been invaluable to my professional development and my understanding of the domestic role of the DOD.

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## INTRODUCTION

The responsibility of securing America's borders and responding to disasters, both natural and man-made, is a task of ever increasing complexity and importance. The past decade presented two watershed events which shook the nation's security and emergency response apparatus: the terrorist attacks of September 11, 2001 and Hurricane Katrina. The aftermath of these events has resulted in a period of sweeping change to the government agencies and policies responsible for Homeland Security (HS).<sup>1</sup> As the government response has evolved immensely in the years since these events, so too has the nature of the threats to American security and way of life. The strengthening ties between transnational criminal and terrorist organizations, the growing risk of cyber attacks, hostile non-state actors attempting to acquire weapons of mass destruction, and the economic recession within the United States are all key elements which frame today's national security challenges. The establishment of new government organizational hierarchies and reprioritization of missions for existing agencies have been at the forefront of the federal government's efforts to address these new challenges. However, the complexity and the combination of these challenges present a risk potentially beyond the scope or capabilities of the law enforcement community.

The Department of Defense (DOD) has realized the importance of invigorating its domestic role in ensuring the defense of the nation. In October of 2002, U.S. Northern Command (USNORTHCOM) was established to defend against threats to the United States and its territories as well as to provide oversight and coordination for the military's role in providing Defense Support to Civil Authorities (DSCA).<sup>2</sup> The commander of USNORTHCOM is assigned as the single military commander whose Area of

Responsibility (AOR) encompasses the United States as well as the air, land, and sea approaches to the country.<sup>3</sup> In order to accomplish this mission, USNORTHCOM consolidated organizations which formerly had managed the DOD Homeland Defense (HD)<sup>4</sup> efforts including; disaster relief operations, counter-drug operations, and consequence management for terrorist attacks. USNORTHCOM leverages capabilities from each of the services in order to fulfill the requirements of the interagency and civil authorities. Constitutional law and federal regulations provide the specific authorities and limitations on the support that the DOD provides to federal, state, and local authorities. Since its creation, the command has frequently been called on to provide assistance during natural disasters, to conduct interagency exercise coordination, and to manage the military's assistance in countering the transnational criminal threats at the nation's borders.

Within the Department of Defense, the Marine Corps has had a long, albeit somewhat limited, relationship with the precursor organizations to USNORTHCOM. From supporting the Los Angeles police department in quelling the riots of 1992, to the disaster relief efforts during Hurricane Sandy in 2012, Marines have provided support to civil authorities in numerous capacities in recent history. Marines have also had a distinct relationship with interagency departments conducting border security and counter narcotics operations throughout the country. In 1989, after President Bush declared a "War on Drugs," the Marine Corps was among the first to answer the call, working through the newly created Joint Task Force Six (JTF-6).<sup>5</sup> However, after the terrorist attacks on September 11, 2001, the Marine Corps' focus and priority of effort were directed at the Global War on Terror (GWOT). The high deployment cycle and

operational tempo of the Marine Corps' operating forces left little room for additional tasking or external requirements not directly related to the wars in Afghanistan and Iraq. As the fight against terrorism in Afghanistan and Iraq is transitioned to their national governments, the Marine Corps' overseas commitments are significantly reduced. Because of the combination of available forces, the evolution of the current homeland security threat paradigm, the identified requirement from civil authorities, and the current fiscal situation of the U.S. government, it is time for the Marine Corps to take a hard look at the opportunities and requirements which exist within the borders of the United States. The Marine Corps should increase its level of support to civil authorities and emergency response agencies in order to take advantage of efficiencies in training, funding, and interagency integration, while helping to satisfy the homeland defense requirements of the country.

## **BACKGROUND**

### **Civil Support Process:**

In considering under what circumstances the military will become involved in supporting civil authorities, it is important to define the Department of Defense responsibilities in domestic operations. The DOD is the lead federal agency responsible for homeland defense. As described in *Joint Publication (JP) 3-28 Civil Support*, the military's role in providing for homeland security is through the execution of HD operations overseas and by providing Civil Support (CS)<sup>6</sup> to law enforcement agencies for disasters, emergencies, and other activities.<sup>7</sup> While providing CS, the control of forces and the chain of command for the military units remain intact, through the

Secretary of Defense (SecDef) and the President. To better explain the elements of CS, JP 3-28 breaks down CS operations into four broad types: disasters and declared emergencies; support and or restore public health and services and civil order; national special security events; and periodic planned support events.<sup>8</sup> Each type of CS operation presents considerations for the construct of the mission, but the overall civil support operational framework is characterized by efforts to “prepare, detect, deter, prevent, defend, respond, and recover.”<sup>9</sup> Although the DOD has responsibilities in each of these areas of support, its efforts are primarily concentrated in the areas of preparation<sup>10</sup> and response.<sup>11</sup>

The National Response Plan (NRP), which is managed by the Federal Emergency Management Agency (FEMA), is designed to ensure a timely and effective response to all incidents requiring a coordinated federal response. The NRP outlines the responsibilities, policies, planning assumptions, and coordination between the military and the other federal agencies in response to incidents. Because DHS is the lead federal agency in managing the federal response to a domestic incident, a formal request for assistance (RFA) to the DOD is required in most cases, in order for the DOD to be authorized to provide support. The RFA validates the requirements of civil authorities and helps to ensure DOD compliance of legal restrictions against the use of military forces serving in a domestic law enforcement capacity. Once an RFA is received, it is evaluated and validated at all levels within the chain of command to assess the legality, potential for requiring lethal force, risk, cost, relevance to the DOD, and the potential impacts to readiness.<sup>12</sup> This process can be abbreviated when an immediate response is necessary.

Once the requirement is approved by the SecDef, the conduct of Civil Support missions falls under the responsibility of the Combatant Commander (COCOM) of either, USNORTHCOM, U.S. Pacific Command, or U.S. Southern Command, according to where the support is requested. An execute order is developed by the Joint Director of Military Support (JDOMS) which designates the specific command and control relationships and officially tasks the commands, services, and DOD agencies to execute the support. After the COCOM is tasked, an operations order will be developed designating the specific units, tasks, purpose, coordinating instructions, and command relationships for the conduct of the support. This process can be greatly abbreviated in extraordinary circumstances, “when time does not permit approval from higher headquarters, local military commanders and responsible DOD component officials are authorized to respond to requests from local authorities and to initiate immediate response actions to save lives, prevent human suffering, or mitigate great property damage under imminently serious conditions.”<sup>13</sup> Because the nature of most CS operations are designed to provide a military response to a shortfall in civilian capacity, the duration of military support missions will normally conclude once civil authorities are capable of managing the response.<sup>14</sup>

### **Legal Authorities:**

“Support of civilian law enforcement officials by DoD personnel shall be consistent with the restrictions of title 18 U.S.C. 1385, the Posse Comitatus Act, and title 10 U.S.C. 375; and those authorities provided in title 18 U.S.C. 112, 351, 831, and 1116; and title 10 U.S.C. 382; Federal laws protecting the civil rights and liberties of individuals, and other applicable law.”<sup>15</sup>

There are many legal and regulatory constraints which govern the circumstances for and limitations to the U.S. military participating in support of civil authorities. The reasons for this strict and definitive separation between the military and civilian law enforcement agencies can be traced to the origins of the United States. The founding fathers of the country created the government structure with a keen awareness of not establishing a federal government with too much power, which would be likely to infringe on the freedoms of those people it is responsible to govern. This concern manifested itself in the constitutional limitations placed on to the role of the military. Alexander Hamilton warned of the dangers of developing a military state which becomes elevated over the civil state, in issue No 8, of the Federalist Papers.<sup>16</sup> So long as the states remain unified, he likened the homeland defense requirement of the United States to that of Great Britain which was capable of defending its borders with a limited military force, more importantly, a military force which was too small to subjugate the citizens by force.<sup>17</sup> Hamilton later tempers the concerns over the role of the military in issue No. 29, explaining, “In times of insurrection, or invasion it would be natural and proper that the militia of a neighboring State should be marched into another, to resist a common enemy, or to guard the republic against the violence of faction or sedition.”<sup>18</sup> It is clear from the early development of the nation’s legal framework that limitations to the domestic involvement of the military were necessary but also that there were certain scenarios which warranted the direct involvement of the military in civil affairs.

“Whoever, except in cases and under circumstances expressly authorized by the Constitution or Act of Congress, willfully uses any part of the Army or the Air Force as a posse comitatus or otherwise to execute the Laws shall be fined under this title or imprisoned not more than two years, or both.”<sup>19</sup>

18 U.S.C. Sect 1385

Title 18, section 1385 of the U.S. Code, more commonly known as The Posse Comitatus Act (PCA) of 1878, is likely the most recognized regulation governing the interaction between the military and civil authorities. The Act was implemented following the Civil War reconstruction period with the intent of limiting direct military involvement with civilian law enforcement.<sup>20</sup> After years of Federal military occupation in the former Confederate States, the PCA was enacted in 1878. Its passage created a criminal statute which defined penalties for violators and in effect, brought substance to the constitutional intent of separating the military and civil authorities. While the PCA does limit the law enforcement role of the military, it does not prohibit military support to civil authorities in all cases. There are many circumstances where the military may provide indirect support to civilian law enforcement agencies, as well as exceptions offered under the PCA which allow for direct support.<sup>21</sup> Title 10 U.S.C. Sect. 371-375 further codifies the restrictions the PCA places on the participation of military units performing law enforcement functions in three categories: use of information; use of military equipment and facilities; and use of military personnel. Title 10, Title 32, and a significant body of DOD Directives (DODD) have been developed to interpret and ensure military compliance of the PCA.

“The Secretary of Defense shall prescribe such regulations as may be necessary to ensure that any activity (including the provision of any equipment or facility or the assignment or detail of any personnel) under this chapter does not include or permit direct participation by a member of the Army, Navy, Air Force, or Marine Corps in a search, seizure, arrest, or other similar activity unless participation in such activity by such member is otherwise authorized by law.”<sup>22</sup>

10 U.S.C. Sect. 375

In accordance with Title 10, the Secretary of Defense has established a series of DOD Directives which specifically outline the military’s role in domestic support

operations. DODD 3025.18, Defense Support of Civil Authorities, is the primary reference used for governing the DOD in providing assistance to civil authorities. The DODD 3025.18 is considered an “umbrella directive” which covers a variety of related CS directives and instructions.<sup>23</sup> DODD 3025.18 provides specific direction on the key issues regarding DSCA to include; providing the criteria for evaluating all requests for support from civil authorities, outlining the roles and responsibilities of each DOD component, and establishing request and approval authorities for DSCA operations.<sup>24</sup> Under the umbrella of DODD 3025.18, reside the directives and instructions governing the various CS mission types; Military Assistance for Civil Disturbances (MACDIS), Chemical, Biological, Radiological, Nuclear, High-Yield Explosive (CBRNE), Counter Drug (CD), Counter Terrorism (CT), Sensitive Support (SS), Continuity of Operations Plan (COOP), and Consequence Management (CM).<sup>25</sup> The DOD continually updates the directives to ensure they are consistent with the changes made to civilian agency structure, responsibility, and authorities. It is imperative that DOD regulations provide for flexible CS as the National Security Strategy (NSS) and the NRP evolve.

Once the DODD and U.S. Code statutes have been satisfied to allow for military support to civil authorities, additional regulations will dictate the specific legal conduct of the support. Units providing support to civil authorities must ensure compliance with a variety of regulations which are unique when applied to domestic operations. The most notable areas of consideration for planning and executing domestic operations include Intelligence law, Rules for the Use of Force (RUF), and fiscal law. Each of these areas presents unique considerations which must be accounted for throughout the chain of command. Within the Marine Corps, domestic operational law can be taught and

implemented in much the same way the military trains and implements the Law of Armed Conflict. The general council for each supporting command will aid the commander to ensure the concept of operations meets the legal and regulatory standards established for each type of CS operation. In order to prevent violations of domestic operational law, each individual service member participating in a CS operation must have a clear understanding of their authorities and limitations.

Clearly, both government lawmakers and military officials have recognized the sensitive nature of employing the military in a supporting role to civilian authorities for domestic operations. A robust collection of laws and regulations exist which painstakingly govern each aspect of CS, from the request for support through the conduct of the operation. These laws and regulations by no means eliminate the ability for the military to provide CS, instead they seek to prescribe specific conditions which must be met in order to safeguard the civil liberties of U.S. citizens. Federal law and DOD regulations do not stifle the opportunities which exist for the Marine Corps to increase its role in CS.

## **OPERATIONAL RELEVANCE**

### **The Need for DOD Support:**

Federal forces have been used to support domestic operations and civil authorities throughout the history of the United States. The Whiskey Rebellion of 1794, the post Civil War reconstruction campaign between 1864-1877, and the expanded “War on Drugs” of the 1980’s and 90’s are high profile examples of military involvement in domestic affairs in each century of the United States existence. Each of these cases

represented a perceived national crisis which was beyond the scope of the existing law enforcement capabilities. Despite the prevalence and long history of the military's use in this manner, civil support missions for the military are the exception rather than the rule. In most cases, federal forces will become involved in CS only after civil authorities have exhausted their resources and have requested federal assistance. However, with today's complex homeland security requirements and governmental fiscal constraints, the operational relevance of increasing DOD's role in CS is at an all time high. The increasing threats at the border and the devastation of recent natural disasters highlight this point. While military support to these events helps to satisfy national requirements, it also provides benefits for both the military units as well as the civilian agencies which participate.

Considering the current threats to United States homeland security, much attention has been paid to the porous borders of the U.S. as well as to the difficulties associated with managing the border control, border safety, and border security<sup>26</sup> aspects of maintaining the integrity of the United States. Each of these three aspects represents different engagement opportunities for the military to assist civil authorities. The U.S. Customs and Border Protection (CBP) is tasked within DHS to "safeguard the American homeland at and beyond our borders."<sup>27</sup> As such, CBP has the primary responsibility for protecting the common borders shared between the U.S., Canada, and Mexico. This area represents over 7,000 miles of linear real estate, along with another 95,000 miles of shoreline, and 327 official air, land, and sea ports of entry (POE).<sup>28</sup> The sheer size of the U.S. and the volume of activity which crosses the borders every day present a daunting task for not only the CBP but also the federal, state and local agencies which assist in the

overall border strategy. The CBP has recognized that in order to enhance its ability to guard the Nation's borders, it must maximize its partnerships.<sup>29</sup>

In addition to the enormity of the border security task assigned to United States law enforcement agencies, it is important to also consider the national defense implications associated with border security. Over the past two decades the threat along the border has evolved. Where once a more traditional criminal threat of narcotics smuggling, illegal alien trafficking, and similar criminal enterprises existed, there are now stronger ties between terrorist networks and transnational criminal organizations. While the more traditional role of the military has been in defending the nation from external threats outside the continental United States (OCONUS), the requirement clearly exists for the military to play a supporting role in border enforcement. JP 3-28 explains, "The mere presence of DOD assets operating in support of law enforcement along the borders or in the airspace adjacent to our public lands can deter transnational threat actors...from attempting entry into the United States".<sup>30</sup> Beyond mere presence, the Marine Corps brings a wealth of knowledge and capability when employed in support of border security operations.

The second area of significance where DOD assets and personnel are frequently called upon to support civil authorities involves humanitarian assistance / disaster relief (HA/DR) operations surrounding natural and manmade disasters. In most cases, when a state requires military assistance, that state's National Guard, operating under Title 32, will be the primary responder. In cases where the emergency is beyond the scope of the state's internal capacity, federal resources may be requested. Since USNORTHCOM was established in 2002, it has been frequently called upon to assist civil authorities in the

wake of natural disasters.<sup>31</sup> Disaster and domestic emergency assistance provided by the DOD can and do take on many forms. The DOD has provided civil support to operations following hurricanes such as Katrina, Isaac, and Rita. It has also provided support in combating wild fires across the Southwest, and has assisted in the relief efforts following Midwest floods. The DOD has also played a role in other types of domestic emergencies such as the 2007 bridge collapse in Minneapolis, the 2010 Deepwater Horizon oil spill, and the response to the 2003 space shuttle Columbia disaster.<sup>32</sup> The U.S. military has experience in providing immediate assistance to HA/DR events around the world. This experience coupled with DOD resources makes the military an invaluable partner when negotiating domestic emergencies.

The aftermath of the most recent declared federal emergency, hurricane Sandy, highlights the successes of a combined government response which leverages military capabilities. In late October of 2012, hurricane Sandy made landfall along the New Jersey coast causing massive destruction along portions of the mid-Atlantic shoreline. Marine Reservists from 6<sup>th</sup> Communication Battalion, headquartered in Brooklyn, were among the first to provide support to local authorities. As the recovery operations continued, U.S. Marine Forces Northern Command (MARFORNORTH) coordinated the response of additional Marine Corps resources to assist in the response efforts. The Marine Corps responded with the 26th Marine Expeditionary Unit (MEU) which devoted its substantial aviation, engineering, and logistics assets to support the operation. Marines provided military assistance across a variety of areas to include: heavy machinery operation; water purification; helicopter transportation; generator support and medical support.<sup>33</sup> The Hurricane Sandy relief efforts represent a logical extension to the

standard HA/DR mission profile for which MEU's are required to train. The military support operation in the wake of hurricane Sandy was a force multiplier to the overall federal response to the emergency.

**Return on Investment:**

The services provided by the military during CS operations have the primary purpose of satisfying a gap within the civilian capacity to deal with a requirement. From the military perspective, CS operations provide a number of beneficial second order effects. Regardless of the type of CS operation conducted, the opportunity to assist civil authorities offers service members exposure to interagency partners, opportunities to exercise warfighting capabilities, and the satisfaction of accomplishment which is difficult to replicate in training. In most cases, CS operations will also provide military units with valuable live scenarios which can replicate many of the functions that are required while conducting operations abroad. The often compressed planning timelines, logistical challenges, complex coordination, and creative problem solving are all trademarks of CS operations, which when leveraged, can help to increase the overall readiness of the unit for future missions. In addition to the internal improvements, the interagency environment also provides a forum for tactics, techniques, and procedure (TTP) exchange between the various organizations. The DOD's overall return on investments for CS operations is great.

Tactical level Marine Corps units have long been engaged in counter drug operations conducted with a variety of civilian partners. In recent years the Ground Sensor Platoons (GSP), located within the Intelligence Battalions, have participated in

numerous interagency operations, designed to stop smuggling along the U.S. borders. Captain Robert Reagles served as the Officer-in-Charge (OIC) for one such mission along the Southwest border. He explains the importance of this interagency opportunity to his unit, "the TTP exchange alone made the operation worthwhile. The skills learned from the Border Patrol Agents were invaluable; those guys live tracking and cutting sign. They were able to reinforce the combat hunter skills of the Marines, help identify rat-lines and logical areas to place sensors, and work with the analysts to come up with the overall collections plan."<sup>34</sup> After conducting a similar mission working with CBP in the Rio Grande Valley Sector, GSP Platoon Commander, Second Lieutenant Jack Shannon, commented, "In providing these assets and support, the ground sensor platoon sharpened its relevant patrolling and ground sensor implantation skills - this is real-life training - everyone wins."<sup>35</sup> Marine units have demonstrated the importance of engaging with the military's interagency partners at the tactical level. Not only have these engagements improved the overall proficiency of the Marines, they have been a force multiplier for the interagency partners as well.

"The support of tactical infrastructure engineering and technology by the National Guard will be a tremendous force multiplier for DHS; therefore making DHS law enforcement officials, and especially Border Patrol Agents more effective, freeing up additional current Agents who are performing some of these support tasks today."<sup>36</sup>

David Aguilar, Chief of the Office of Border Patrol

The agencies supported during CS operations gain more from the exposure to their military counterparts than simply assistance in accomplishing the task at hand. In many of the same areas which the military benefits from interagency operations, the Federal, State, and Local officials participating will also benefit from working with the military units. Following a 2012 JTF-North coordinated mission linking the CBP and

various DOD units, CBP mission planners acknowledged the value of DOD support to their border security efforts. “One of the biggest benefits that we see, working with the active-duty military, is the technology and expertise that the Army brings to border enforcement,” acknowledged Border Patrol Special Operations Supervisor, Andy Adame.<sup>37</sup> The TTP’s practiced and developed by Marines in both HA/DR as well as combat operations while deployed, can be applied by many of the Law Enforcement Agencies (LEA) who may have corollary civil requirements. This same principle can be applied when looking at the equipment employed by the military. As the military and civilian authorities increase their interaction in CS operations, the opportunities to create further efficiencies and improvements can be achieved.

## **COST BENEFIT ANALYSIS**

### **Types of Opportunities:**

Significant civil support opportunities exist across a variety of government departments and agencies. These opportunities cross over a wide spectrum of generalized and technical military specialties. USNORTHCOM is the command responsible for matching the military capability to the civilian requirement. USNORTHCOM accomplishes this through its standing JTF’s, while maintaining the authority to establish a task organized JTF, as needed. Joint Task Force North, Joint Task Force Civil Support, Joint Force Headquarters National Capital Region, and Joint Task Force Alaska are the primary commands within USNORTHCOM which conduct the detailed coordination with the services and normally provide tactical control (TACON) of the supporting forces.

In 2004, JTF-6 was renamed Joint Task Force North (JTF-North). JTF-North retained the emphasis on counter drug operations held by JTF-6 but has expanded on this original focus. JTF-North's mission statement describes its current focus; "Joint Task Force North supports Drug Law Enforcement Agencies in the conduct of Counter Drug/Counter Narco-Terrorism operations in the USNORTHCOM area of responsibility to disrupt trans-national criminal organizations and deter their freedom of action in order to protect the homeland."<sup>38</sup> In order to complete its tasks, JTF-North relies on volunteer units and individuals from the active duty and reserve forces, as it has no assigned operational assets. The missions it coordinates are specifically designed to support LEA's in detection and interdiction efforts. The PCA and DOD regulations prohibit military personnel from executing law enforcement functions such as search, seizure, and arrest. JTF-North categorizes the types of support it provides to federal law enforcement agencies in six support categories:<sup>39</sup>

**Operational Support:** Aviation Support Operations, Aviation Transportation/Insertion/Extraction, Aviation Medical Evacuation (MEDEVAC), Aviation Reconnaissance (day and night), Air and Maritime Surveillance Radar, Unmanned Aircraft Systems (UAS), Ground Surveillance Radar, Listening Post/Observation Post, Ground Sensor Operations, and Ground Transportation.

**Intelligence Support:** Law Enforcement Agency Case Sensitive Intelligence Support, Collaborative Threat Assessment, Geospatial Intelligence Support, Modified Threat Vulnerability Assessment, and Threat Link Analysis Products.

**Engineering Support:** Personnel Barriers, Vehicle Barriers, Lights, Roads, and Bridges.

**General Support:** Mobile Training Teams (which include: Basic Marksmanship, Trauma Management, Emergency Response, Counterdrug Field Tactical Police Operations, Counterdrug Marksman/Observer Training, Counterdrug Special Reaction Team Training, Integrated Mission Planning, Intelligence and Link Analysis, Interview Techniques, Multi-Subject Tactical Instruction, Threat Mitigation Training, Other training as requested), Transportation, and Sustainment.

**Interagency Synchronization:** Support interagency planning process, Facilitate interagency and bi-national info sharing, and Point of Integration Operations.

**Technology Integration:** Leverage Department of Defense science & technology investment, Ground/Air/Maritime sensor integration, Information Efficiency and Networks, Biometrics, and Tunnel Detection.<sup>40</sup>

The vast assortment of capabilities available to law enforcement agencies through JTF-North represent a significant sampling of the missions which the Marine Corps trains for and executes abroad in its national defense capacity. Nearly every unit within the Marine Corps has some capability which would allow it to leverage the opportunities made available by working through JTF-North.

For operations in which JTF-N is providing Intelligence, Surveillance, and Reconnaissance (ISR) support to border enforcement, there is a well defined mission template which outlines the operating concept. Once a named Joint Interagency operation is scheduled, JTF-N mission planners will solicit the services to identify units available, to provide the requisite ISR capabilities needed for the operation. After the formal requests for support are validated through the service chains of command, the supporting units begin mission rehearsals and conduct the detailed coordination with JTF-N and Interagency partners. Part of this process includes a formal orientation regarding the Standing Rules for the Use of Force (SRUF) and Rules of Engagement (ROE) given by the JTF-N Staff Judge Advocate (SJA). The supporting units are assigned TACON to JTF-N for the duration of the operation while the unit's parent command maintains OPCON. Typically, a variety of collections assets will be employed across a sizable area of border or shoreline and will incorporate multiple CBP stations. JTF-N, in conjunction with interagency partners, will construct a central mission headquarters to provide command and control of each element and coordinate flow of information between ISR nodes and law enforcement. Each station will also establish a

local command center to coordinate actions within their specific area of responsibility. The station headquarters is where much of the tactical integration between the Marines and the interagency partners occurs. Once the military sensors are employed, the Marines monitoring their systems will inform both the station headquarters and the mission headquarters of any indications of border incursions. Once an incursion has been identified, the law enforcement dispatcher at the headquarters will contact agents working in the area and/or CBP air assets to respond to investigate the tip. DOD personnel operate within strict guidelines regarding their participation in executing law enforcement functions and are specifically forbidden from conducting arrests.

The mission profiles outlined above are a sampling of CS missions which may be applicable to Marine units. It is important to recognize that with any of these missions, either planned support to law enforcement agencies or emergency response operations, the ability of the Marine Corps to provide CS will be limited by its national defense requirements. CS missions will be planned and executed on an as available basis. Within the operational constraints, the Marine Corps opportunities to increase warfighting capabilities and maintain unit readiness are substantial. If CS operations become more commonplace within the Marine Corps the relationship between Marines and their interagency counterparts will evolve. As this relationship evolves, so too will the creative ideas and initiatives for providing or receiving future support. In order to understand and identify relevant and productive opportunities, it is necessary for Marines to get exposure to the interagency organizations and processes.

### **Interagency Exposure:**

“Although the leads for HD (DOD) and CS (e.g., DHS and DOJ) are different, the distinction between the two operational activities may not easily be defined or discerned. There may be cases where HD and CS events take place concurrently, or the main threat and therefore the agency lead, transitions from one agency to the other. Therefore, the need to establish workable and effective interagency relationships and partnerships, in advance of a crisis or contingency, is critical.”<sup>41</sup>

Joint Publication 3-28

The wars in Iraq and Afghanistan have created an operational environment for today’s armed forces that is more tied in with the interagency than at any time in the country’s history. In order to achieve the nation’s security objectives overseas, military commanders and staffs must work hand in hand with a variety of government agencies. The operational tasks assigned to the Department of Defense cannot be accomplished in a vacuum. Most tasks will require a whole of government approach in order to be successful. This is true not only in satisfying overseas objectives, but also in optimizing federal domestic response efforts. Reflections from Hurricane Sandy relief operations, as explained in the Marine Corps Center for Lessons Learned after action report, help to illustrate this point; “Commands responsible for coordinating support to the relief efforts found that close coordination with other commands and government response centers was essential in providing timely support. In addition, the establishment of liaison officers at these locations enhanced Marine Corps real-time situational awareness of critical needs, assisted in streamlining official tasking, and helped ensure required coordination with higher and adjacent headquarters.”<sup>42</sup> Operational requirements dictate the need for greater interagency cooperation; at the same time both the military and interagency departments will benefit from the increased exposure.

The value of increasing the interagency exposure for Marines, from tactical through strategic levels, comes from more than satisfying mission requirements. Interagency cross training creates trust between the military and agencies and better prepares each organization for a future crisis or contingency operation when an immediate combined federal response is warranted. Expanding the opportunities for organizations to work together facilitates relationship building at all levels. A closer relationship between individuals creates a greater understanding of each agency's requirements and can provide opportunities for recommending improvements to the efficiency of each agency. Interagency operations provide a venue to exchange TTP's, evaluate equipment, and learn from the best practices of the partnered agency. These relationships can lead to efficiencies within the government in terms of material procurement, reducing redundancies, streamlining response procedures, and increasing the unity of effort across the government agencies involved. Taking advantage of any relevant opportunities to engage with interagency partners in training, planning, or operations will benefit the military.

Marine Corps participation in civil support operations offers excellent opportunities for Marines to gain interagency exposure. Using the same tactical ISR mission example, Marines from Lance Corporal on up are able to directly interact with agents and other government civilians during the conduct of a real world support mission. The GSP Marines were “walking the beat” daily with the Patrol Agents, while the platoon commander and watch section were manning the integrated command center. The JTF-North mission planners were incorporating the information collected by GSP with other DOD and interagency partner information to provide increased situational

awareness for the mission commanders. This type of event can leave a lasting impression on the next generation of Marine Corps decision makers and will provide a valuable understanding of how they fit into the homeland defense apparatus, as well as how to better leverage their interagency partners for future requirements.

### **Cost Efficiencies:**

“In cases of a defense support of civil authorities event (e.g., national disaster), a federal agency such as the Federal Emergency Management Agency may request assistance from DOD. When approved by SecDef or CCDR, the assistance will be reimbursable under the appropriate authority, usually the Economy Act or the Stafford Act. The federal agency will provide a funding document to DOD that provides reimbursable budget authority (RBA) to cover DOD expenses incurred in rendering the requested support.”<sup>43</sup>

Joint Publication 1-06

When DOD units participate in civil support operations, the requesting agency will typically be responsible for covering the cost incurred by the military during the course of the operation. Despite the financial burden of covering the costs for military support, the funding agencies are able to economize their efforts for specific missions in other ways. In 2006, the National Guard and CBP conducted Operation Jump Start, in an effort to help secure the Southern border. The presence of the National Guard enabled more than 300 Border Patrol agents to return to front line duties within the agency.<sup>44</sup> This funding arrangement also benefits the DOD, considering the current anticipated cuts to the DOD budget following the end of major combat operations in Afghanistan and Iraq. The external nature of this funding creates another significant opportunity for the Marine Corps to capitalize on the capabilities (in this case financial) of the interagency partners.

While the U.S. taxpayers' appetite for paying for expensive overseas commitments is waning, their acceptance of domestic security expenses has increased.

When not deployed overseas, a significant portion of a unit's budget is consumed with travel and training related expenses. Under certain conditions units can leverage the CS opportunities available through USNORTHCOM to satisfy unit readiness requirements, while having the operations paid for by external sources. As was the case before the Global War on Terrorism, units again have to find creative ways to maintain proficiency with fewer combat deployments and with pre-war budget constraints. CS opportunities may offer feasible solutions for many units to get real-world operational experience, while saving the monetary expense to the unit.

## **CONCLUSION**

Providing more support to interagency partners through civil support operations is not a one size fits all solution for coordination, funding, and readiness issues for the Marine Corps. However, a measured approach which recognizes opportunities to take advantage of cost and training efficiencies can help increase the effectiveness of Marines and units while executing their primary missions. A variety of factors can impact the ability of the Marine Corps to conduct CS operations: lack of interagency funding, conflicts with other operational commitments, and statutory regulations may all limit participation in CS operations. Despite these limitations, as Marines increase their awareness of interagency operations, new and innovative ways to establish mutually supportive relationships will be presented. Upon reviewing the various mission types and capabilities required by interagency partners and civil authorities, it is clear that the

Marine Corps maintains the capability to source significant assets which can be allocated to satisfy domestic homeland security requirements.

The Marine Corps, working through USNORTHCOM, can look at the gaps in the interagency/civil capabilities as an opportunity to exercise and improve its warfighting capability across a variety of skill areas. With an expanded role in supporting domestic operations, the Marine Corps will not only be helping to provide for the nation's Homeland Defense, it will be optimizing its training opportunities, developing a stronger interagency relationship at the operational and tactical levels, improving TTP's, and leveraging external funding sources to improve readiness. Within the confines of constitutional law, federal regulations, and the Marine Corps' traditional defense obligations, there are many advantages to leveraging the opportunities presented by increasing support to civil authorities.

## ACRONYMS

AOR	Area of Responsibility
CBRNE	Chemical, Biological, Radiological, Nuclear, Explosive
CBP	U.S. Customs and Border Protection
CD	Counter-Drug
CM	Consequence Management
COCOM	Combatant Commander
COOP	Continuity of Operations Plan
CT	Counter-Terrorism
DHS	Department of Homeland Security
DOD	Department of Defense
DSCA	Defense Support to Civil Authorities
DTO	Drug Trafficking Organization
FEMA	Federal Emergency Management Agency
GSP	Ground Sensor Platoon
GWOT	Global War On Terror
HA/DR	Humanitarian Assistance/Disaster Relief
HD	Homeland Defense
HS	Homeland Security
ISR	Intelligence, Surveillance, and Reconnaissance
JDOMS	Joint Director of Military Support
JTF-6	Joint Task Force Six
JTF North	Joint Task Force North
LEA	Law Enforcement Agency
MACDIS	Military Assistance for Civil Disturbances
MARFORNORTH	U.S. Marine Forces Northern Command
MEU	Marine Expeditionary Unit
MOA	Memorandum Of Agreement
MSCLEA	Military Support to Civilian Law Enforcement Agencies
NRP	National Response Plan
NSS	National Security Strategy
OCONUS	Outside the Continental United States
PCA	Posse Comitatus Act
POE	Port of Entry
RFA	Request for Assistance
ROE	Rules of Engagement
SecDef	Secretary of Defense
SJA	Staff Judge Advocate
SOP	Standard Operating Procedures
SRUF	Standing Rules for the Use of Force
SS	Sensitive Support
TACON	Tactical Control
TEEP	Training Exercise Employment Plan
TTP	Tactics, Techniques, and Procedures
USNORTHCOM	United States Northern Command

## NOTES

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<sup>1</sup> Homeland Security Definition: “A concerted national effort to prevent terrorist attacks within the United States; reduce America’s vulnerability to terrorism, major disasters, and other emergencies; and minimize the damage and recover from attacks, major disasters, and other emergencies that occur. Also called HS.” (JP 3-28)

<sup>2</sup> United States Northern Command Website, accessed 20 February 2013, [www.northcom.mil/About/index.html#JTFCS](http://www.northcom.mil/About/index.html#JTFCS).

<sup>3</sup> U.S. Northern Command Office of History, *A short History of United States Northern Command*. (U.S. Northern Command, 2012)

[http://www.northcom.mil/About/history\\_education/NORTHCOM%20History.pdf](http://www.northcom.mil/About/history_education/NORTHCOM%20History.pdf).

<sup>4</sup> Homeland Defense Definition: “The protection of United States sovereignty, territory, domestic population, and critical defense infrastructure against external threats and aggression or other threats as directed by the President. Also called HD.” (JP 3-28)

<sup>5</sup> Joint Task Force North Website, accessed 20 February 2013, <http://www.jtfn.northcom.mil/subpages/history.html>.

<sup>6</sup> Civil Support Definition: “Department of Defense support to US civil authorities for domestic emergencies, and for designated law enforcement and other activities. Also called CS.” (JP 3-28)

<sup>7</sup> U.S. Department of Defense. Civil Support. JP 3-28. (Washington, DC: U.S. Department of Defense, September 14, 2007), vii.

<sup>8</sup> JP 3-28, x-xi.

<sup>9</sup> JP 3-28, I-4.

<sup>10</sup> JP 3-28, I-4. Describes “Prepare” as: “DOD prepares to respond across a range of activities by developing, sustaining, and improving operational capabilities to prevent, protect against, respond to, and recover from domestic incidents, whether HD, HS, or CS. It is a continuous process to identify threats, determine vulnerabilities, and identify required resources.”

<sup>11</sup> JP 3-28, I-5. Describes “Response” as: “the ability to rapidly and effectively support civil authorities in providing appropriate support to LEAs, and assistance in managing the consequences of disasters and catastrophes, including natural, man-made, or terrorist incidents. DOD provides CS as directed by the President or Secretary of Defense (SecDef) to provide support to civil authorities. DOD provides CS in order to reduce suffering, save lives, prevent or mitigate the destruction of property, manage the consequences of an attack or a disaster, or prevent terrorist incidents by supporting law enforcement. Civil authorities are more likely to request DOD support when civilian response capabilities are overwhelmed or exhausted, or when DOD’s unique capabilities and operations can offer an essential, decisive, time-critical contribution in order to achieve the USG’s desired outcome to threat or incident.”

<sup>12</sup> U.S. Department of Defense, Defense Support to Civil Authorities (DSCA), Department of Defense Directive (DoDD) 3025.18, September 21, 2012, 4, <http://www.dtic.mil/whs/directives/corres/pdf/302518p.pdf>. The six criteria used to evaluate a request are specified in DoDD 3025.18. “(1) Legality (compliance with laws). (2) Lethality (potential use of lethal force by or against DoD Forces). (3) Risk (safety of DoD Forces). (4) Cost (including the source of funding and the effect on the DoD budget). (5) Appropriateness (whether providing the requested support is in the interest of the Department). (6) Readiness (impact on the Department of Defense’s ability to perform its other primary missions).”

<sup>13</sup> JP 3-28, II-1.

<sup>14</sup> JP 3-28, II-4 - II-7.

<sup>15</sup> *Defense Support of Civilian Law Enforcement Agencies*, Code of Federal Regulations. Vol. 32, part 182, (2010).

<sup>16</sup> Alexander Hamilton, James Madison, and John Jay. *The Federalist Papers*. ed by Clinton Rossiter (New York, NY: New American Library, 2003), 63-64.

<sup>17</sup> Hamilton, 63-64.

<sup>18</sup> Hamilton, 183.

<sup>19</sup> *Use of Army and Air Force as Posse Comitatus*, U.S. code, vol.18, sect. 1385 (1994).

<sup>20</sup> Center for Law and Military Operations (CLAMO), *Domestic Operational Law 2011 Handbook for Judge Advocates*, (Charlottesville, VA: The Judge Advocate General’s Legal Center and School U.S. Army, September 1, 2011), 48.

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<sup>21</sup> CLAMO, Domestic Operational Law Handbook, 48.

<sup>22</sup> *Restriction on Direct Participation By Military Personnel*, U.S. code, vol. 10, sect. 375 (1989).

<sup>23</sup> CLAMO, Domestic Operational Law Handbook, 4.

<sup>24</sup> CLAMO, Domestic Operational Law Handbook, 4-5.

<sup>25</sup> CLAMO, Domestic Operational Law Handbook, 4-5.

<sup>26</sup> Tussing, Bert. *“New Requirements for a New Challenge: The Military’s Role in Border Security.”* Homeland Security Affairs, Volume IV, no. 3 (October 2008): 10, <http://www.hsaj.org/?fullarticle=4.3.4>. Tussing describes the challenges of border protection on a “Variable Scale of Border Protection” with each element increasing in severity across the threat spectrum. “Border Control (protection against the illegal entry of people and goods), border safety (protection against criminals, violence, smuggling, etc.), and border security (protection against terrorists).”

<sup>27</sup> U.S. Customs and Border Protection, *Secure Borders, Safe Travel, Legal Trade: U.S. Customs and Border Protection Fiscal Year 2009-2014 Strategic Plan* (Washington DC: U.S. Customs and Border Protection, 2009), 4, [http://www.cbp.gov/linkhandler/cgov/about/mission/strategic\\_plan\\_09\\_14.pdf](http://www.cbp.gov/linkhandler/cgov/about/mission/strategic_plan_09_14.pdf)

<sup>28</sup> U.S. Customs and Border Protection, 2009-2014 Strategic Plan, 5.

<sup>29</sup> U.S. Customs and Border Protection, 2009-2014 Strategic Plan, 3-4.

<sup>30</sup> JP 3-28, pages II-4 – I-5

<sup>31</sup> U.S. Northern Command, A Short History of United States Northern Command, 5.

<sup>32</sup> U.S. Northern Command, A Short History of United States Northern Command, 13-18.

<sup>33</sup> Marine Corps Center for Lessons Learned (MCCLL), “Lessons from Marine Corps Support to Hurricane Sandy Relief Efforts,” *Marine Corps Center for Lessons Learned Newsletter*, Volume 9 Issue 02, (February 2013): 3-4, <https://www.mccll.usmc.mil>.

<sup>34</sup> Capt Robert Reagles (former Ground Sensor Platoon Commander), in discussion with the author, February 2013.

<sup>35</sup> Armando Carrasco, “2nd Intel Battalion supports Border Patrol in South Texas,” April 27, 2011, [http://www.jtfn.northcom.mil/subpages/articles/2may\\_2011.html](http://www.jtfn.northcom.mil/subpages/articles/2may_2011.html).

<sup>36</sup> House Armed Services Committee, “Border Security - Mission of the National Guard,” Testimony of David V. Aguilar, Chief, Office of Border Patrol, U.S. Customs and Border Protection, Department of Homeland Security, 109<sup>th</sup> Cong., 3 (2006).

<sup>37</sup> Keith Anderson, “JTF-North deploys Soldiers to support Border Patrol in N.M., Ariz.,” *Army.Mil*, March 27, 2012, [http://www.army.mil/article/76607/JTF\\_North\\_deploys\\_Soldiers\\_to\\_support\\_Border\\_Patrol\\_in\\_N\\_M\\_Ariz\\_](http://www.army.mil/article/76607/JTF_North_deploys_Soldiers_to_support_Border_Patrol_in_N_M_Ariz_).

<sup>38</sup> Joint Task Force North Website, accessed 20 February 2013, [www.jtfn.northcom.mil/subpages/mission.html](http://www.jtfn.northcom.mil/subpages/mission.html).

<sup>39</sup> JTF-North Website, accessed 20 February 2013, [www.jtfn.northcom.mil/subpages/homeland\\_s.html](http://www.jtfn.northcom.mil/subpages/homeland_s.html).

<sup>40</sup> JTF-North Website, accessed 20 February 2013, [www.jtfn.northcom.mil/subpages/homeland\\_s.html](http://www.jtfn.northcom.mil/subpages/homeland_s.html).

<sup>41</sup> JP 3-28, I-6.

<sup>42</sup> MCCLL Newsletter, “lessons from Marine Corps Support to Hurricane Sandy Relief Efforts,” 4.

<sup>43</sup> U.S. Department of Defense, *Financial Management Support In Joint Operations*, JP 1-06 (Washington DC: U.S. Department of Defense, March 2, 2012), III-13.

<sup>44</sup> The White House, *Fact Sheet: Operation Jump Start: Acting Now to Secure the Border* (Washington, DC: The White House, August 2006), <http://georgewbush-whitehouse.archives.gov/news/releases/2006/08/20060803-7.html>.

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